

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT	OAH Case No. 2015020199
v.	
TORRANCE UNIFIED SCHOOL DISTRICT	
TORRANCE UNIFIED SCHOOL DISTRICT	OAH Case No. 2014120036
v.	ORDER GRANTING MOTION TO CONSOLIDATE AND GRANTING CONTINUANCE
PARENT ON BEHALF OF STUDENT	

On November 20, 2014, District filed a Request for Due Process Hearing in OAH case number 2014120036 (First Case), naming Student.

On January 28, 2015, Student filed a Request for Due Process Hearing in OAH case number 2015020199 (Second Case), naming District.

On February 25, 2015, the parties filed a joint Motion to Consolidate the First Case with the Second Case.

Consolidation

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

Here, the First Case and Second Case involve a common question of law or fact, specifically, the First Case seeks to defend District's psycho-educational and behavioral assessments of Student against Student's requests for independent educational evaluations in those areas, and the Second Case alleges denials of a free appropriate public education,

including failures to appropriately assess in all areas including cognition, social and adaptive skills, and behaviors. Accordingly, consolidation is granted.

Continuance

The hearing in the First Case is scheduled to commence on April 1, 2015. The hearing in the Second Case is scheduled to commence on March 24, 2015. The parties' motion requested the following mediation, prehearing conference and hearing schedule for the consolidated cases: mediation on March 5, 2015 at 9:30 AM; prehearing conference on March 20, 2015 at 10:00 AM; hearing on Monday, March 30, 2015 at 1:30 PM; continuing Wednesday, April 1, 2015 at 1:30 PM and Thursday, April 2, 2015 at 9:00 AM. This request is treated as a motion to continue the dates in the Second Case.

A due process hearing must be held, and a decision rendered, within 45 days of receipt of the complaint, unless a continuance is granted for good cause. (Ed. Code, §§ 56502, subd. (f) & 56505, subd. (f)(1)(C)(3).) The parties have established good cause for the requested schedule. The motion to continue is granted.

ORDER

1. The parties' joint Motion to Consolidate and Continue is granted.
2. All dates previously set in OAH Case Numbers 2014120036 and 2015020199, the First and Second Cases, are vacated.
3. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in OAH Case Number 2015020199, the Second Case.
4. The mediation in the consolidated cases shall occur on March 5, 2015, at 9:30 AM.
5. The prehearing conference in the consolidated cases shall occur on March 20, 2015, at 10:00 AM.
6. The hearing in the consolidated matter shall occur on March 30, 2015 at 1:30 PM, April 1, 2015, at 1:30 PM, and on April 2, 2015, at 9:00 a.m.

DATE: March 2, 2015

/s/

JUNE R. LEHRMAN
Administrative Law Judge
Office of Administrative Hearings